

LOS ANGELES COUNTY DISTRICT ATTORNEY CHARGE EVALUATION WORKSHEET

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X FELONY MISDEMEANOR	AGENCY NAME LASD - INTERNAL CRIMINAL AGENCY FILE NO. (DR OR URN) 912-00068-2003-441	DA CASE NO. 33309962 DA OFFICE CODE J.S.I.D. #12-0634R	DATE 06/06/2013 VICTIM ASSISTANCE REFERRAL <input type="checkbox"/> YES - NOTIFY VWAP <input type="checkbox"/> NO
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SUSP NO.	SUSPECT	CHARGES			
		CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) AGUIAR, JOEY		PC	149	10/01/2010 - 11/30/2010 B
	DOB	SEX (M/F) M	BOOKING NO.	VIP -- Yes X No	
	Gang Member Name of Gang		Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		
2	NAME (LAST, FIRST MIDDLE)) CARBAJAL, DANIEL		PC	149	10/01/2010-11/30/2010 B
	DOB	SEX (M/F) M	BOOKING NO.	VIP -- Yes X No	
	Gang Member Name of Gang		Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		
3	NAME (LAST, FIRST MIDDLE)) ULLOA, MICHAEL		PC	149	10/01/2010 - 11/30/2010 B
	DOB	SEX (M/F) M	BOOKING NO.	VIP -- Yes X No	
	Gang Member Name of Gang		Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		

Comments
 SEE ATTACHED.

COMPLAINT DEPUTY (print) FERNANDO GUZMAN/ap	COMPLAINT DEPUTY (SIGNATURE) 	STATE BAR NO. 134362	REVIEWING DEPUTY (SIGNATURE)
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LAST NAME: AGUIAR

FIRST NAME: JOEY

DA CASE NUMBER: 33309962

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of filing decision.

FILING OFFICER (PRINT): SGT. GABRIELLE GRAVES FILING OFFICER (SIGNATURE): Mailed 6/13/13 SERIAL #: 246294

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715) A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (Indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral DISTRICT ATTORNEY'S REASON CODES M. Probation Violation filed in lieu of N. Referred to City Attorney for Misdemeanor Consideration
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**LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET**

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	AGENCY FILE NO. (DR OR URN) 912-00068-2003-441		DA OFFICE CODE J.S.I.D. #12-0634R		VICTIM ASSISTANCE REFERRAL <input type="checkbox"/> YES - NOTIFY VWAP <input type="checkbox"/> NO	

SUSP NO.	SUSPECT				CHARGES			
					CODE	SECTION	OFFENSE DATE	REASON CODE
4	NAME (LAST, FIRST MIDDLE)) MICHEL, GILBERT				PC	149	10/01/2010	B
	DOB	SEX (M/F) M	BOOKING NO.	VIP -- Yes X No				
5	Gang Member Name of Gang: _____				Victim Gang Member Name of Gang: _____			
	Victim Name: _____				Victim DOB: _____			
	NAME (LAST, FIRST MIDDLE))							
	DOB	SEX (M/F)	BOOKING NO.	VIP -- Yes -- No				
6	Gang Member Name of Gang: _____				Victim Gang Member Name of Gang: _____			
	Victim Name: _____				Victim DOB: _____			
	NAME (LAST, FIRST MIDDLE))							
	DOB	SEX (M/F)	BOOKING NO.	VIP -- Yes -- No				
Gang Member Name of Gang: _____				Victim Gang Member Name of Gang: _____				
Victim Name: _____				Victim DOB: _____				

Comments
 SEE ATTACHED.

COMPLAINT DEPUTY (print) FERNANDO GUZMAN/ap	COMPLAINT DEPUTY (SIGNATURE) 	STATE BAR NO. 134362	REVIEWING DEPUTY (SIGNATURE)
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LAST NAME: MICHEL

FIRST NAME: GILBERT

DA CASE NUMBER: 33309962

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SGT .GABRIELLE GRAVES FILING OFFICER (SIGNATURE): _____ SERIAL #: 246294

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715) A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (Indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral <u>DISTRICT ATTORNEY'S REASON CODES</u> M. Probation Violation filed In lieu of N. Referred to City Attorney for Misdemeanor Consideration
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DECLINATION MEMORANDUM

TO: JSID #12-0634R

THROUGH: JAMES GARRISON, Head Deputy
Justice System Integrity Division

FROM: FERNANDO GUZMAN, Deputy District Attorney
Justice System Integrity Division

SUBJECT: LASD Deputy Joey Aguiar, #531564
LASD Deputy Daniel Carbajal, #505863
LASD Deputy Michael Ulloa, #481132
LASD Deputy Gilbert Michel, #541592
LASD File #912-00068-2003-441

DATE: June 4, 2013

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputies Joey Aguiar, Daniel Carbajal, Michael Ulloa and Gilbert Michel assaulted Leroy Bragg under color of authority within the meaning of Penal Code section 149. For the reasons set forth below, this office declines to initiate criminal proceedings.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Sergeant Gabrielle Graves, LASD Internal Criminal Investigations Bureau (ICIB). Compelled statements, if they exist, were not reviewed.

FACTUAL ANALYSIS

On September 13, 2011, Sergeant Scott Craig, LASD, ICIB, interviewed Deputy Gilbert Michel regarding possible criminal activity by LASD personnel working at Men's Central Jail (MCJ). Deputy Michel was arrested for accepting a bribe and smuggling a cellular telephone into MCJ. He agreed to discuss criminal activity by other LASD personnel. Michel described four incidents of improper uses of force by LASD personnel, which he witnessed.

One of the incidents he described witnessing was an assault under color of authority committed against Inmate Leroy Bragg. Michel stated that he and Deputy Aguiar were involved in this incident which occurred in early November, 2010.

Statement of Former Deputy Gilbert Michel

Michel told investigators that he spoke to his neighbor on Halloween (October 31, 2010). The neighbor, later identified as Jeanette Cordasco, told him that her daughter had been kidnapped and a suspect arrested. Using LASD resources, Michel learned that the suspect, Leroy Bragg, was detained in MCJ 3500 Block.

One morning while at work, Michel notified Deputies Aguiar and Carbajal of the above information. Later that day, Michel went to Bragg's cell, handcuffed him and took him to the shower area.¹ Aguiar was there and Deputy Ibarra was standing by the entrance gate to the area.² Michel asked Bragg why he was in jail and Bragg gave evasive answers. Aguiar accused Bragg of lying and slapped him in the face. Bragg began to cry and Michel punched him in the stomach approximately five times. Bragg went down to his knees.

Michel asked Bragg if he liked to kidnap little girls and Bragg denied being involved in that type of crime. Michel punched Bragg "a couple more times" in the rib area. Bragg was kicked several times on the legs by both Michel and Aguiar. Michel returned Bragg to his cell.

Statement of Leroy Bragg

On September 14, 2011, ICIB investigators interviewed Bragg about the above allegation. Bragg stated that he was assaulted by deputies three times in MCJ.

The first incident occurred on the day he arrived at MCJ (October 2, 2010). He was punched in the stomach and chest by four deputies whom he was unable to identify. Since this was prior to Halloween, this could not be the incident Michel described.

Bragg believed the other two incidents occurred in mid-October. However, since more than ten months had passed, he may have been mistaken about the dates.

The second incident began when he was escorted out of his cell by a deputy and taken to a location outside the shower area. They were met by two other deputies who asked Bragg "Where are the girls?" When Bragg stated that he didn't know, two deputies punched him in the stomach and a third kneed him from behind. Bragg fell to the floor and was told to get up. He was punched two additional times and fell to the floor again. He described the punches as "body shots." Bragg was taken back to his cell. Bragg did not state that he was kicked on this occasion.

Bragg was shown six-pack photographs of Deputies Aguiar, Carbajal, Ulloa, Michel, Joseph Gonzalez, Albert Murad and Armando Ibarra. Bragg identified Deputies Aguiar and Carbajal as punching him during this incident. Deputy Ulloa handcuffed him and

¹ On October 18, 2011, Bragg was convicted of kidnapping in Los Angeles Superior Court case number BA376455. He was sentenced to 27 years in state prison.

² Michel did not identify which of the two Ibarra twin brothers was present.

escorted him out of his cell during this incident or the third incident. Ulloa also punched him in the stomach.

During the third incident Bragg was escorted to the same location and was punched by four deputies. One deputy kicked him in the leg five to six times. Bragg fell to the ground and got back up. He was returned to his cell. Bragg identified Deputy Carbajal as the one who kicked him.

Further Investigation

Bragg did not sustain any injuries as a result of the assaults and did not request medical attention. He did not report the incidents to any authorities or family members, but did notify Inmate Kevin Fisher. Fisher recalled Bragg telling him that he was assaulted by "deputies."

Deputies Aguiar, Carbajal and Ulloa declined interviews on the advice of their legal representatives. ICIB investigators attempted to locate inmates who were housed in locations near the shower area. The six inmates they were able to locate stated that they did not witness an assault. The location where Bragg stated the incidents occurred is not visible from inmate cells.

Jeanette Cordasco was Michel's neighbor whose daughter was kidnapped by Bragg. She denied knowing Michel or telling him about her daughter.

CONCLUSION

When Michel was interviewed by ICIB investigators he was facing felony criminal charges. The information which he provided regarding unlawful uses of force by deputies has not been accurately corroborated by any other sources, including the inmate victims.

His description of the incident involving Inmate Bragg does not closely resemble any of the three incidents described by Bragg. The first incident occurred before Halloween which is when Michel learned of the kidnapping.

During the second incident Bragg described being punched and kneed in the torso only. Aguiar, Carbajal and possibly Ulloa punched him. Michel stated that Aguiar slapped Bragg once in the face and then kicked him. Michel punched Bragg in the stomach approximately seven times and kicked him repeatedly in the legs. Bragg and Michel appear to be describing different incidents.

During the third incident Bragg described being punched and kicked by four deputies. This incident more closely resembles the incident described by Michel. However, the only deputies Bragg identified as being involved in this incident were Carbajal and possibly Ulloa. Again, Michel described an incident involving himself and Aguiar, but not Carbajal or Ulloa.

Michel cannot be considered a corroborating witness. Michel was not identified by Bragg as being involved in any of the assaults. There were no other known witnesses to the assault. There is no documentation of an incident being reported or Bragg being treated for injuries.

Based on the foregoing analysis, we find insufficient evidence to prove beyond a reasonable doubt that Deputies Joey Aguiar, Daniel Carbajal and Michael Ulloa committed an assault under color of authority against Leroy Bragg. All matters being considered for filing against Gilbert Michel are being deferred pending federal prosecution. Therefore, we are closing our file and will take no further action in this matter.